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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,323	07/23/2003	Gerd Haiber	G0645.10U	7774

29633 7590 10/12/2004

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EXAMINER

LEV, BRUCE ALLEN

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,323

Applicant(s)

HAIBER ET AL.

Examiner

Bruce A. Lev

Art Unit

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23-31, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 22, 32 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/23/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BRUCE A. LEV
PRIMARY EXAMINER

DETAILED ACTION

Information Disclosure Statement

The ***Non-Patent Literature*** cited on page 2 of the IDS filed ***July 23, 2003*** is missing from the file. A replacement copy should be sent in by the applicant.

Claim Rejections - 35 USC § 112

Claims 2-6, 15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 2, the phrase "said base yarn component" lacks antecedent basis and therefore renders claims 2-4 as vague and indefinite.

As concerns claims 5, 6, 15, and 16, the use of the phrases "or less" and "or more" is improper and therefore renders these claims as vague and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 1-21, 23, 27-31, and 33 are rejected under 35 U.S.C. ***102(e)*** as being anticipated by ***Greenhalgh 2002/0083820***.

Greenhalgh sets forth a fabric panel comprising a plurality of intersecting base yarns defining a body region having edges; a supportive header (viewed as one of the edges) comprising stiffening yarns intersecting the base yarns and comprising low temperature and common polymer filaments; whereby the filaments bond upon melting and re-hardening; the heat treating temperatures of the low and common filaments being around 180 degrees C and 250 degrees C respectively ; and the method of manufacturing thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 24 is rejected under 35 U.S.C. **103(a)** as being unpatentable over **Greenhalgh in view of the Japanese Patent of Mizukami 404272251**.

Greenhalgh sets forth the invention, as advanced above, except for the process of tentering the panel. However, **Mizukami teaches** a process of tentering a panel during a heating process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of heating and

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hardening of Greenhalgh by incorporating the panel, as taught by Mizukami, in order to increase the strength of the resulting stiffened area.

Claims 25 and 26 are rejected under 35 U.S.C. **103(a)** as being unpatentable over **Greenhalgh in view of Verpoest 6,184,161**.

Greenhalgh sets forth the invention, as advanced above, except for the process of weaving and knitting that yarns together. However, **Verpoest teaches** a process of weaving and knitting yarns together. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of intersecting the yarns of Greenhalgh by weaving and knitting that yarns together, as taught by Verpoest, in order to more securely intersect them together before the heating process step.

Claim 34 is rejected under 35 U.S.C. **103(a)** as being unpatentable over **Greenhalgh in view of Haiber 6,059,009**.

Greenhalgh sets forth the invention, as advanced above, except for the process of inserting grommets into the stiffened area. However, **Haiber teaches** a process of inserting grommets into a stiffened area of a fabric panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to insert grommets into the stiffened area of the fabric panel of Greenhalgh, as taught by Haiber, in order to provide means to hang the panel from a bar or cross member.

Allowable Subject Matter

Claims 22, 32, and 35 are objected to since they depend from rejected base claims ***but would be allowable*** if rewritten to overcome the objections and include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:


Structural limitations pertaining to a ***pair of stiffened areas***, and wherein the pair of stiffened areas ***are joined together to define ribs***, along with the other structural limitations are neither taught nor suggested by the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

9/27/2004



Bruce A. Lev
Primary Examiner
Group 3600